

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

INTERNATIONAL FINANCE CORPORATION,
not in its individual capacity, but solely as the
Trustee for the IFC-Netherlands Carbon Facility,

Plaintiff,

V.

KORAT WASTE TO ENERGY CO. LTD.
(a/k/a Khorat Waste to Energy Co.),

Defendant.

07 Civ. 5451 (SHS)

DECLARATION OF ANTHONY F. KING

I, ANTHONY F. KING, declare as follows:

1. I am an attorney with the law firm Wallace King Domike & Reiskin, PLLC in Washington, DC. I represent Defendant Korat Waste to Energy Co., Ltd. (“KWTE”) in the above-captioned matter. I submit this declaration in support of KWTE’s Motion to Vacate Default and to File its Answer Out-of-Time and Opposition to Motion for Default Judgment.

2. The docket reflects that IFC filed its motion for a default judgment at nearly 11:00 p.m. on April 14, four days after the answer date.

3. KWTE received no prior notice from IFC that IFC would seek a default judgment, nor did IFC make any inquiry as to whether KWTE intended to answer or had simply inadvertently failed to answer by April 10.

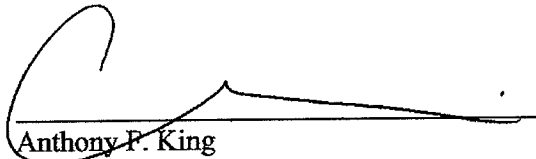
4. On April 2, 2008, following the Court's March 27, 2008 ruling granting in part and denying in part KWTE's motion to dismiss, the parties submitted a joint

request to extend the discovery deadline from May 28 to July 15, stating that: "In light of your Honor's March 27, 2008 decision on KWTE's motion to dismiss, the parties agree that it would be most efficient to attempt to settle the remaining claims before expending further party and judicial resources." (April 2, 2008 Vasquez Letter, Doc. 24 at 1.)

5. Counsel for IFC and KWTE then had communications regarding settlement discussions that continued through the weekend of April 4-5. During that weekend, the parties concluded that discovery had to resume.

6. The parties immediately and rapidly accelerated their discovery activities. Those heightened discovery activities continue to the present date.

I declare under penalty of perjury that the foregoing is true and correct. Executed on April 15, 2008.



Anthony P. King